

# Land Law (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

---

## ARRANGEMENT OF CLAUSES.

---

### PART I.

#### LAND LAW.

##### *Fair Rents.*

###### Clause.

1. Amendment as to improvements.
2. Statutory term and beginning of judicial rent.
3. Exclusion of certain holdings.
4. Town parks.
5. Exclusion by subletting of holding.
6. Turfary and other profits, easements, and privileges.
7. Lettings by persons not absolute owners.
8. Tenancy not invalidated by reason of subletting by landlord.
9. Determination of estate of immediate landlord.
10. Amendment of 54 & 55 Vict. c. 57. as to long leases and fee farm grants.
11. Amendment of 50 & 51 Vict. c. 33. s. 1, as to time for applications by leaseholders.
12. Ejectments for non-payment of rent in case of holdings under Land Law Acts.

##### *Procedure.*

13. Amendments of procedure as to limited representation of deceased person.
  14. Ground of appeal to be stated.
- 

### PART II.

#### LAND COMMISSION AND LAND JUDGE.

15. Regulations as to interchange of duties of the Land Judge and the Judicial Commissioner of the Irish Land Commission.
  16. Power to nominate judge to act as additional land judge for certain purposes.
-

## PART III.

## LAND PURCHASE.

Classes.

17. Alteration of mode of calculating purchase annuity.
  18. Application of part of Act to annuities under 32 & 33 Vict. c. 42.
  19. Abolition of county percentage.
  20. Abolition of purchaser's insurance money.
  21. As to guarantee deposit.
  22. Expediting proceedings on sales.
  23. Framing of and dispensing with vesting order and registration of title on purchase.
  24. As to redemption or apportionment of annuities, rentcharges, &c., under 50 & 51 Vict. c. 33. ss. 15, 16.
  25. As to easements, &c., when vesting order is made.
  26. Liability for arrears of rent and interest on purchase money after agreement to purchase.
  27. Advances for purchase of holding subject to a rentcharge.
  28. Terms of redemption of tithe rentcharge in case of sale.
  29. Sale of holding by Land Commission.
  30. Amendment of 54 & 55 Vict. c. 33. s. 5 (2) (b) as to money for labourers cottages.
  31. Sales under the Landed Estates Court Act.
  32. Appeals under Land Purchase Act.
  33. Powers of mortgage.
- 

## PART IV.

## CONGESTED DISTRICTS BOARD.

34. Purchase and sale by Congested Districts Board under the Land Purchase Acts.
  35. Sales by Congested Districts Board of small holdings otherwise than under Land Purchase Acts.
  36. Rules for part of Act.
-

## PART V.

## EVICTED TENANTS.

## Clause.

37. Re-enactment with modifications of 54 & 55 Vict. c. 48. s. 13.
  38. Application to Land Commission for reinstatement of tenant or for purchase of holding.
  39. Provision for agreements by landlords and tenants in certain cases.
  40. Tenancy to be present tenancy where landlord has so consented.
- 

## PART VI.

## SUPPLEMENTAL.

41. Definitions.
  42. Saving of Ulster tenant right custom.<sup>1</sup>
  43. Application and construction of Parts of Act.
  44. Short title.
  45. Repeal of Acts.
- SCHEDULE.

## A

## B I L L

[AS AMENDED IN COMMITTEE]

TO

Further amend the Law relating to the Occupation and  
Ownership of Land in Ireland, and for other purposes  
relating thereto.

A.D. 1896.

BE it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows:—

5

## PART I.

PART I.

## LAND LAW.

*Fair Rents.*

1.—(1.) Where the court fixes a fair rent for a holding, the court shall ascertain and record in the form of a schedule—

Amendment  
as to im-  
provements.

- 10 (a) the annual sum which should be the fair rent of the holding  
on the assumption that all improvements thereon were made  
or acquired by the landlord;
- (b) the condition of the holding and the buildings thereon;
- 15 (c) the improvements made by the tenant wholly or partly by  
or at his cost, and with respect to each such improvement—
- (i) the nature, character, and present capital value thereof,  
and the increased letting value due thereto;
- (ii) the date (so near as can be ascertained) at which the  
same was made; and
- 20 (iii) the deduction from the rent made on account thereof;
- (d) the extent (if any) to which the landlord has paid or  
compensated the tenant in respect of each such improvement;

[Bill 323.]—

A

A.D. 1896.

PART I.

(e) the improvements made wholly or partly by or at the cost of, or acquired by, the landlord;

(f) such other matters in relation to the holding as may be prescribed; and

(g) the fair rent of the holding;

5

and the record shall be admissible in evidence on its mere production from the proper custody.

(2.) No rent shall be allowed or made payable in respect of an improvement made by the tenant on a holding by reason only of the work constituting such improvement not being suitable to the holding.

10

(3.) For the purpose of an application to fix a fair rent, a tenant shall be deemed to have been fully paid or compensated for every improvement made by him in pursuance of a contract entered into for valuable consideration.

15

(4.) For the purpose of an application to fix a fair rent, a tenant shall not be deemed to have been paid or compensated for any improvement not made in pursuance of a contract entered into for valuable consideration, except to the extent to which the court, having regard to all the circumstances of the case, are of opinion that valuable consideration has been given by the landlord in respect of the improvement.

20

(5.) A contract by a tenant not to claim, on quitting his holding, compensation for any improvement made by him, shall not authorise the allowance of any rent in respect of any improvement except to the extent to which the court, having regard to all the circumstances of the case, are of opinion that valuable consideration has been given by the landlord in respect of the entering into that contract.

25

(6.) Section four of the Landlord and Tenant (Ireland) Act, 1870, shall not authorise the allowance of any rent in respect of any improvement, provided that rent may be allowed in respect of an improvement made by the tenant, if made twenty years before the passing of the said Act, and not being a permanent building or reclamation of waste land.

30

(7.) For the purpose of this section valuable consideration shall not be held to have been given by reason of the mere letting of the land on lease or otherwise or the mere enjoyment by the tenant of any improvement where the rent of the holding was not fixed, reduced, abated, or, after the improvement was made, allowed to remain unaltered with the object of recouping the tenant for

40

his expenditure of capital and labour in making the improvement; and in the case of an improvement made in pursuance of a contract entered into for valuable consideration, such object shall be implied where not expressed.

A.D. 1893.

PART I.

- 5 (8.) Sub-sections one, two, and four of section five of the Landlord and Tenant (Ireland) Act, 1870, shall not have effect in the case of applications to fix a fair rent. 33 & 34 Vict. c. 46.

- 2.—(1.) On the expiration of a statutory term in a present tenancy the tenancy shall continue a present tenancy subject to the same rent and conditions (including the statutory conditions) as during the statutory term, until the tenancy is determined, or a new statutory term for the holding begins, and an application to fix a fair rent may be made at any time during such continuance of the tenancy; and no objection to such application shall be allowed which could have been but was not taken upon the application for a previous judicial rent, or being then taken was overruled. 44 & 45 Vict. c. 49. Statutory term and beginning of judicial rent.

- (2.) Where the court on application fix a judicial rent for a holding, the judicial rent and statutory term shall begin from the gale day next after the date of the application, or if a preceding statutory term is then current, from any later gale day on which that statutory term expires. 20

- (3.) The judicial rent fixed by order of the court for a holding shall, as from the gale day from which it begins, be the rent payable by the tenant of the holding; and where it differs from the previous rent, whether or not a judicial rent, then in respect of the period which may have elapsed since the gale day from which it began, the difference, if the judicial rent so fixed is higher than the previous rent, shall be paid by the tenant, and if the judicial rent so fixed is lower, may, if it has been actually paid by the tenant, be deducted from any rent subsequently payable by him to the landlord to whom such difference has been paid, or to his personal representatives, or where the estate of such landlord has determined may be recovered from such landlord or his personal representatives. 25 30 35

- 3.—(1.) The Land Law Acts, except section seven of the Land Law (Ireland) Act, 1881 (which amends the Landlord and Tenant (Ireland) Act, 1870, in respect of compensation for improvements), shall not apply to the following tenancies:—

- 40 (a.) To a tenancy in any holding which is not substantially either agricultural or pastoral in its character, or partly agricultural [323.] A 2

Exclusion of certain holdings. See 44 & 45 Vict. c. 49. s. 58. 50 & 51 Vict. c. 33. s. 9.

A.D. 1896.

## PART I.

and partly pastoral, or to a letting of land, the main object of which is for a residence:

(b.) To a tenancy in any holding which substantially consists of—

(i) land being or forming part of a home farm; or

(ii) land which when first demised was demesne, and which 5 the provisions of the contract of tenancy, or the circumstances of the case, show was intended to be preserved as demesne or resumed as demesne by the landlord; or

(iii) land incorporated in a demesne by the tenant, and forming part of a demesne at the time the application to 10 fix a fair rent is made:

(c.) To a tenancy in a holding (other than a holding let to be used wholly or mainly for a dairy farm) which is let to be used wholly or mainly for the purpose of pasture—

(i) if it is of the rateable value of one hundred pounds or 15 upwards; or

(ii) if the tenant does not actually reside on the holding, or where the holding adjoins or is ordinarily used with another holding then on the latter holding:

(2.) Where a distinct and substantive part of the property held 20 under one demise is demesne land, or is not agricultural or pastoral in its character, or is an incorporeal hereditament, and the court consider that that part is not the substantial part of such property, the court may, if they are of opinion that, apart from the fixing of a fair rent, the separation of the property into two parts 25 will not diminish the value of the landlord's interest therein, direct that that part shall thenceforth be, or, if it is an incorporeal hereditament, be treated as, a separate holding, and be held at such rent during the continuance of the tenancy as the court determine to be the proper proportion of the rent reserved by the demise, 30 and the court may fix a fair rent for the remainder of the property held under the demise, and the said Acts shall apply to that remainder as if it were a separate holding.

(3.) Nothing in this section shall extend to any holding in respect of which a judicial rent has been fixed before the commence- 35 ment of this Act.

Town parks.

4. In the construction of the seventh section of the Land Law (Ireland) Act, 1887, the word "agricultural" shall be construed

to mean agricultural or pastoral, or partly agricultural and partly pastoral. A.D. 1896.

## PART I.

5 (1.) For the purpose of an application to fix a fair rent, the tenant of a holding shall be deemed to be in bona fide occupation thereof notwithstanding—

Exclusion by subletting of holding. See 44 & 45 Vict. c. 49, ss. 5, 21, 37. 50 & 51 Vict. c. 53, s. 4.

(a) that any dwelling-house on the holding, not being the dwelling of the tenant, and not having been erected by the tenant in breach of his contract of tenancy or of a statutory condition, is sublet to or in the occupation of another person; or

10 (b) that any other part of the holding is, otherwise than in breach of the contract of tenancy, or of a statutory condition, sublet to or in the occupation of another person, if in the estimation of the court a part not less than seven-eighths or thereabouts in value of the holding, excluding from such value the value of any buildings erected by the tenant, remains in the bona fide occupation of the tenant; and if the sub-letting was made before the passing of the Land Law (Ireland) Act, 1887, or was substantially in substitution for a letting existing at that date; 30 & 51 Vict. c. 53.

20 Provided that this enactment shall not apply unless the court think it reasonable to entertain the application having regard to the acreage of the holding and to any other matter which they think should be taken into consideration, and the court may entertain the application notwithstanding that any such house or part of a holding is occupied by a person to whom it has been sublet in contravention of section two of the Land Law (Ireland) Act, 1881.

44 & 45 Vict. c. 49.

30 (2.) Where a part of the property held under one demise is sublet, and the property was let to the tenant subject to the tenancy of some other person in the part sublet, the court may direct that the part so sublet shall thenceforth be, or if it is an incorporeal hereditament be treated as, a separate holding, and shall be held during the continuance of the tenancy at such rent as the court determine to be the proper proportion of the rent reserved by the demise, and the court may fix a fair rent for the remainder of the property held under the demise, and the Land Law Acts as amended by this Act shall apply to that remainder, as if it were a separate holding;

40 Provided that if the landlord so elect, the court shall order that the tenant of the part so sublet shall be the tenant of such landlord as his immediate landlord.



A.D. 1896.

PART I.  
Turbary  
and other  
profits, ease-  
ments, and  
privileges.

6. Where on an application to fix the fair rent for a holding it is proved to the court that the tenant of the holding, by virtue of his tenancy has by the permission of the landlord, whether with or without payment, been accustomed to exercise any profit a prendre, easement, privilege of turbary, or other privilege over 5 land belonging to the landlord, and it appears to be necessary for the reasonable enjoyment of the holding that he should not be deprived of what he has so exercised, and that the interests of the landlord in portions of his estate other than that in which the said profit, a prendre, easement, or privilege is to be exercised will not 10 be thereby injuriously affected, the court may, after giving the landlord and tenant of the holding and any tenant of the land an opportunity of being heard, make an order for securing the profit, easement, or privilege to the tenant of the holding, upon such terms, as to rent or otherwise, and in such manner as the court think just, 15 and such order shall be binding on all estates and interests in the said land.

Lettings by  
persons not  
absolute  
owners.

7.—(1.) The Land Law Acts shall apply and be deemed to have always applied in the case of tenancies created by a limited owner or by a mortgagor or mortgagee in possession, where no fine or 20 premium was received, and the tenancies shall not be or be deemed to have been determined (except in the case of fraud or collusion or a letting at a gross undervalue) by the cesser of the interest or possession of such limited owner, mortgagor, or mortgagee, and the person entitled on such cesser to receive the rent of the holding 25 shall stand in the relation of landlord to the tenant of the holding, and have the rights and be subject to the obligations of landlord accordingly.

(2.) This section shall not apply to a tenancy in a holding which at the date of the letting was demesne land, where the mansion 30 house is let with such demesne land, or the application of the Land Law Acts to the tenancy would materially diminish the value as a residence of the mansion house situate on and theretofore occupied with the demesne: Provided always, that when the landlord is a limited owner or mortgagor or mortgagee in possession, no order 35 to fix a fair rent for the first time shall be made without the Land Commission giving the prescribed notice to the person entitled on such cesser.

Tenancy not  
invalidated  
by reason of  
subletting  
by landlord.

8. A contract of tenancy entered into, whether before or after the commencement of this Act, by a landlord in violation, either of the 40 Act of the seventh year of the reign of King George the Fourth, chapter twenty-nine, intituled "An Act to amend the law of Ireland

"respecting the assignment and subletting of lands and tenements," or of an agreement against subletting in his lease, shall not as between him and the tenant holding under such contract be, or be deemed to have been, void or voidable, and a superior landlord shall be deemed to have expressed a sufficient consent, in the manner in which the consent is required by law to be expressed to a subletting made in violation of such Act or agreement, unless within a reasonable time after the subletting came to the knowledge of himself, or his agent, he served on the lessee or sub-tenant notice of his dissent from the subletting, or instituted a proceeding against the lessee founded upon the said violation.

A.D. 1896.

PART I.

9.—(1.) Where a superior landlord recovers against an immediate landlord a judgment in ejectment for nonpayment of the rent of a holding, or of lands including a holding, the estate of the immediate landlord shall be deemed to be determined within the meaning of section fifteen of the Land Law (Ireland) Act, 1881, without prejudice to his right to redeem his interest, as if a decree to possession or a writ of habere facias possessionem had been executed.

Determination of estate of immediate landlord.

44 & 45 Vict.  
c. 49. s. 15.

(2.) Where the nonpayment was not due to the nonpayment of rent by the tenant of the holding, such judgment shall not be executed against the tenant, and the tenancy of the holding shall not be affected, except that the superior landlord shall stand in the relation of immediate landlord to the tenant, and may proceed accordingly for the recovery of all rent due from the tenant to the immediate landlord, but (except in the case of fraud or collusion or a letting at a gross under value) not for the recovery of the rent due to the superior from the immediate landlord. If the amount recovered by the superior landlord from the tenant equals or exceeds the amount due to him from the immediate landlord, the interest of the immediate landlord shall not be deemed to have been redeemed, but the superior landlord shall pay the excess to the immediate landlord, after deducting any amount due for costs.

10. The Redemption of Rent (Ireland) Act, 1891, shall be amended as follows:—

Amendment of 54 &amp; 55 Vict. c. 57, as to long leases and fee farm grants.

(a.) The provisions of the Land Law Acts and this Act with respect to improvements shall apply, notwithstanding that the lessee or grantee would not, on quitting his holding, be entitled by reason of his being such lessee or grantee to claim compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870.

33 & 34 Vict.  
c. 46.

A.D. 1896.

## PART I.

(b.) A person shall be a lessee or a grantee under a fee farm grant within the meaning of the said Acts notwithstanding that the instrument under which he holds though purporting to create the relation of landlord and tenant, is dated before the first day of January one thousand eight hundred and sixty-one, 5 and by reason of its date does not create the relation of landlord and tenant between him and the person to whom money is payable thereunder in respect of the holding, and that person shall be a lessor or grantor in like manner as if the instrument were executed on or after the above-mentioned day. 10

Amendment of 30 & 31 Vict. c. 58, s. 1, as to time for applications by leaseholders.

11. Applications under section one of the Land Law (Ireland) Act, 1887, may be made at any time.

Ejectments for nonpayment of rent in case of holdings under Land Law Acts. 23 & 24 Vict. c. 154.

12. In the case of any ejectment brought for the nonpayment of the rent of a holding to which the Land Law Acts as amended by this Act apply, where the rent in arrear exceeds two years rent, the 15 tenant may pay, tender, deposit, or lodge under sections sixty to seventy-one of the Landlord and Tenant Law Amendment Act (Ireland), 1860, the sum of two years rent instead of the sums therein respectively required to be paid, tendered, deposited, or lodged, and upon such tender, payment, deposit, or lodgment the 20 tenant shall be in the same position under those sections as if two years rent were the sum claimed; and the balance of the rent then due shall not be recovered by ejectment for nonpayment of rent or distress.

## Procedure.

25

Amendments of procedure as to limited representation of deceased person.

13. On any application under the Land Law Acts, as amended by this Act, an order may, subject to the prescribed regulations, be made by the court, appointing some person limited administrator of a deceased person for the purpose of such applica- 30 tion, and such order may be made whether such deceased person did or did not die before the application, or make a will which was not proved.

Ground of appeal to be stated.

14. Rules under section fifty of the Land Law (Ireland) Act may provide that, subject to the qualifications (if any) contained in those rules, every notice of appeal shall state the grounds of 36 appeal, and on the hearing of the appeal no grounds of appeal shall be entered into except those so stated. For the purpose of this section "appeal" includes "rehearing."

## PART II.

## LAND COMMISSION AND LAND JUDGE.

A.D. 1896

PART II.

Regulations  
as to inter-  
change of  
duties of the  
Land Judge  
and the  
Judicial  
Commissioner of the  
Irish Land  
Commission.

15.—(1.) The Lord Chancellor, the Land Judge of the Chancery Division of the High Court, and the Judicial Commissioner of the Land Commission, or any two of them (of whom the Lord Chancellor shall be one) may make rules for the following purposes, namely:—

(a.) To enable the Land Judge to act as an additional Judicial Commissioner of the Land Commission—

10 (i) in any matter arising under the Land Purchase Acts as amended by this Act; or

(ii) in any appeal or rehearing under the Land Law Acts as amended by this Act;

15 (b.) To enable the Judicial Commissioner of the Land Commission to exercise any jurisdiction, powers, and duties, so far as existing at the commencement of this Act,

20 (i) of the High Court or any judge thereof, either as successors of the Landed Estates Court and the judges thereof, or under the Record of Title (Ireland) Act, 1865,

(ii) of the Land Judge and of the Receiver Judge under any enactment conferring any jurisdiction upon either of such judges as such;

25 (c.) To enable the High Court to distribute the proceeds of any sale under the Land Purchase Acts, and to enable the Land Commission to carry into effect any sale under those Acts ordered by the High Court.

30 (2.) For carrying into effect any such rules, and exercising the jurisdiction, powers, and duties arising thereunder, the Land Judge shall be deemed to be an additional Judicial Commissioner of the Land Commission, and the Judicial Commissioner shall be deemed to be an additional Land Judge.

35 (3.) The Land Judge as respects officers of the Supreme Court who are attached to such judge, or otherwise employed in or about the execution of any such jurisdiction, powers, and duties as may under this section be exercised by the Judicial Commissioner, and the Judicial Commissioner, so far as respects the officers of the Land Commission, may direct those officers to perform such duties as he thinks fit under the Land Commission or under the Land Judge, as the case may be, and those officers shall perform those duties.

[828.]

B

28 & 29 Vict.  
c. 88.

54 & 55 Vict.  
c. 86.

A.D. 1896.

PART II.

(4.) The Land Judge and the Judicial Land Commissioner may also make regulations for carrying into effect any rules made in pursuance of this section, and for the mutual relations between the Land Judge and the officers of the Supreme Court on the one side, and the Land Commission and their officers on the other, and in particular for the payment into the High Court of money to be distributed among the parties entitled thereto, and for the Land Commission carrying into effect any sales under the Land Purchase Acts ordered by the High Court.

44 & 45 Vict.  
c. 49.

(5.) Subsections two and three of section fifty of the Land Law 10 (Ireland) Act, 1881, shall apply to rules made under this section.

(6.) The first rules under this section shall be made as soon as practicable after the commencement of this Act.

(7.) Such rules shall provide that the Court of the Land Commission in Dublin shall be holden at the Four Courts, Dublin, and 15 not elsewhere.

Power to  
nominate  
judge to act  
as additional  
land judge  
for certain  
purposes.  
28 & 29 Vict.  
c. 88.  
51 & 53 Vict.  
c. 68.

16. The Lord Chancellor may nominate any judge of the High Court with his consent to act for the time specified by the Lord Chancellor as an additional Land Judge for the purposes of the Record of Title (Ireland) Act, 1865, and the Local Registration 20 of Title (Ireland) Act, 1891, and the judge so nominated shall have during that time the jurisdiction of the Land Judge for those purposes.

## PART III.

## PART III.

## LAND PURCHASE.

25

Alteration of  
mode of  
calculating  
purchase  
annuity.

17.—(1.) In the case of every advance under the Land Purchase Acts made after the commencement of this Act the purchase annuity shall be calculated and payable—

- (a) during the first decade of the annuity, upon the total advance; and 30
  - (b) during the second and third decades, upon the portion of the advance which is ascertained, as provided by this section, to be unpaid at the end of the previous decade; and
  - (c) after the end of the third decade, upon the portion of the advance which is ascertained, as provided by this section, to 35 be then unpaid,
- and shall continue to be paid until the whole advance is ascertained as provided by this section to have been repaid.

(2.) The Land Commission shall, in accordance with such rules as the Treasury may make—

A.D. 1896.

PART III.

(a) at the end of each of the said decades ascertain how much of the advance has been repaid by means of the accumulation during the decade of that portion of the purchase annuity which represents repayment of capital, and the residue of the advance shall be the unpaid amount upon which the subsequent annuity is to be calculated and paid; and

(b) ascertain when the whole advance has been repaid by means of the accumulation of that portion of the purchase annuity which represents repayment of capital.

(3.) If the proprietor of a holding charged with an annuity applies to the Land Commission within the prescribed time and in the prescribed manner, prior to the end of each of the said decades, that the annuity during the next decade shall not be reduced under this section, no alteration of the annuity shall then be made.

(4.) The amount of the annuity, when re-calculated as provided by this section, shall be certified by the Land Commission, and that certificate shall be conclusive for all purposes, and shall be sent by them for registration to the registration authority under the Local Registration of Title (Ireland) Act, 1891.

54 & 55 Vict.  
c. 60.

(5.) The foregoing provisions of this section shall apply in the case of an annuity for any advance made under the Land Purchase Acts before the commencement of this Act, subject as follows:—

(a) where more than ten years have elapsed since an annuity for the repayment of the advance began, the amount of the advance remaining unpaid shall be ascertained as at the end of the last completed decade since that beginning, and the reduction of the annuity in the current decade shall date from the gale day next after the commencement of this Act;

(b) In a case where purchaser's insurance money has been paid, the amount so paid, and not set off against arrears, shall be taken into account at the end of the first decade, as if it were a portion of the purchase annuity which represents repayment of capital; and the provisions with respect to setting off against arrears purchaser's insurance money so paid shall not apply after the end of such decade.

18. The foregoing provisions with respect to the calculation of a purchase annuity may be applied by the Land Commissioners with the necessary modifications, to the calculation of the instalments of an annuity by means of which any mortgage debt is payable

Application  
of part of  
Act to  
annuities  
under  
32 & 33 Vict.  
c. 42.

A.D. 1896. under section fifty-two of the Irish Church Act, 1869, and the Acts  
 PART III. amending the same.

Abolition of  
 county per-  
 centage.  
 54 & 55 Vict.  
 c. 48.

19. The amount which under the Purchase of Land (Ireland) Act, 1891, is required to be applied as county percentage shall when received in respect of an instalment of the annuity falling due 5 after the commencement of this Act cease to be so applied and shall be paid to the National Debt Commissioners and applied as a portion of the purchase annuity which represents repayment of capital.

Abolition of  
 purchaser's  
 insurance  
 money.

20. In the case of any advance after the commencement 10 of this Act for the purchase of a holding, purchaser's insurance money shall not be payable.

As to guar-  
 antee deposit.

21.—(1.) The Land Commission on making an advance may dis-  
 penso with the whole or any part of the guarantee deposit being  
 made or retained if they think the security for the repayment of 15  
 the advance is sufficient without it.

54 & 55 Vict.  
 c. 48.

(2.) The Land Commission may, if they think fit, on application,  
 pay to the persons entitled thereto the whole or any part of the  
 guarantee deposit made or retained in respect of advances under the  
 Purchase of Land (Ireland) Act, 1891, except in a case where any 20  
 part of the deposit has been actually applied in pursuance of the  
 Land Purchase Acts.

54 & 55 Vict.  
 c. 48.

(3.) In the case of any advance made otherwise than under the  
 Purchase of Land (Ireland) Act, 1891, the Land Commission may  
 pay out of the guarantee deposit to the person entitled thereto a 25  
 sum equal to the portion of the advance which at the end of any  
 decade is ascertained under the provisions of this Act to have been  
 repaid.

Expediting  
 proceedings  
 on sales.  
 See  
 50 & 51 Vict.  
 c. 32. s. 14,  
 and  
 51 & 52 Vict.  
 c. 49. s. 3.

22.—(1.) Where an agreement has been made for the purchase  
 of a holding, and the Land Commission consider that the purchase 30  
 money is adequate in amount, and are satisfied that the person pur-  
 porting to be the landlord or his mortgagee has, by himself or by his  
 agent, or a receiver, been, for not less than six years, in receipt of  
 the rents of the holding, and have ascertained in the prescribed  
 manner that the estate in respect of which such person claims as 35  
 landlord is sufficient to constitute him a person having power to  
 sell under the Land Purchase Acts, he shall be deemed to be  
*prima facie* entitled to carry such agreement into effect; but if it  
 appears to the Land Commission that the said estate is a lease-  
 hold for years not renewable for ever, they shall cause the prescribed 40  
 notice to be given to the person who is entitled in reversion on the

expiration of the lease. Provided always, that where the Land Commission are satisfied that the landlord has a good and marketable title to the holding they shall not be required to consider whether the purchase money is adequate in amount.

A.D. 1896.

PART III.

5 (2.) Where the Land Commission are satisfied that the persons purporting to be the landlord and the tenant are *prima facie* entitled to carry into effect an agreement for the purchase of a holding, and sanction an advance for the purchase of a holding, they shall, as soon as may be, make a vesting order to the effect that the amount of the advance be paid into the High Court to the pre-  
10 scribed credit to abide the order of that Court, and that on such payment the holding shall vest in the purchaser.

(3.) The vesting order shall be effectual to vest in the purchaser, and charge the purchase annuity on, the fee simple and inheritance  
15 of the holding purchased, subject—

(a) to such exceptions and reservations (if any) as may be specified in the agreement for purchase and approved by the Land Commission respecting any right reserved to the vendor or superior landlord as to mines, timber, and fishery, or other rights; and  
20

(b) to any public rights affecting the holding; and

(c) to the provisions of this Act respecting the tenant's interest, and respecting easements, rights, and privileges; but, save as aforesaid, discharged from all claims, whether estates,  
25 charges, reservations, covenants, conditions, interests or incumbrances whatsoever, as well of Her Majesty the Queen, and any superior landlord, as of all other persons whomsoever (except the tenant and persons claiming under him) who are interested in the holding, whether as incumbrancers or otherwise, and all such claims  
30 shall cease as against the holding, and shall attach to the purchase money paid into the High Court in respect of the holding, in like manner as immediately before the sale they attached to the holding.

(4.) The money so paid into the High Court shall be distributed and dealt with by that Court in like manner as if it were the proceeds of the sale of an estate sold under the Landed Estates Court (Ireland) Act, 1858, and for the purpose of such distribution  
35 of or dealing with the said money, the High Court may, if it appears to such Court necessary, ascertain the amount or value of such claims as above mentioned, and cause that amount or value to be discharged, redeemed, or satisfied out of the said money.

21 & 22 Vict.  
c. 72.

(5.) The vesting order shall be an order securing an advance within the meaning of section eighteen of the Land Law (Ireland) Act, 1887, and that section shall apply accordingly.



A.D. 1896.

PART III.

(6.) The interest vested by the vesting order in the purchaser shall be deemed to be a graft upon the previous interest of the tenant in the holding, and shall be subject to any rights or equities arising from its being such graft: Provided that any then subsisting charge on such previous interest which was created under any Act in respect of some improvement on the holding, shall be a charge on the estate vested in the purchaser by the vesting order next after the purchase-annuity. 5

(7.) If any guarantee deposit is paid or retained, the amount thereof shall be excepted from the payment into the High Court, and held by the Land Commission, but the vesting order shall take effect and the right to the deposit be determined, as if the amount had been paid into that Court with the rest of the purchase money. 10

50 & 51 Vict.  
c. 33.

(8.) Where the Judicial Commissioner certifies that the estate is free from incumbrances (as defined by the Land Law (Ireland) Act, 1887), and that the purchase money can be paid or distributed immediately, the advance need not be paid into the High Court, and this section shall apply in like manner as if it were so paid. 15

*Framing of  
and dispens-  
ing with  
vesting order  
and regis-  
tration of  
title on  
purchase.*

23.—(1.) The Land Commission shall prepare the vesting order, or if they see fit to dispense therewith, shall fiat the agreement for the purchase of the holding, subject to such conditions, exceptions, and modifications as they think necessary; and on the advance being paid into the High Court, such fiat shall have effect as if it were a vesting order made by the Commission in relation to the holding purchased, and the provisions of this Act referring to vesting orders shall apply and be construed accordingly. 20 25

54 & 55 Vict.  
c. 63.

(2.) The Land Commission shall, immediately after the vesting order or fiat, prepare and transmit to the registering authority under the Local Registration of Title (Ireland) Act, 1891, the prescribed particulars as to the holding, in order that the title of the purchaser to the ownership of the fee simple of the holding may be registered pursuant to that Act, and on such registration the registering authority shall transmit the land certificate to the Land Commission, to be held by them until the advance has been repaid. 30

(3.) Section thirty-four of the said Act (which relates to the correction and rectification of the register) shall extend to a vesting order or fiat as if it were the register. 35

(4.) An agreement for purchase, a vesting order, or fiat, shall not operate to convert the interest of the purchaser into real estate.

*As to re-  
demption or  
apportion-  
ment of*

24.—(1.) For the purpose of the distribution of, or other dealing with, an advance paid into the High Court under this Act, sections fifteen and sixteen of the Land Law (Ireland) Act, 1887, and any 40

other unrepealed enactment in the Land Purchase Acts, or this Act, relating to the redemption or apportionment of charges on holdings or otherwise to the distribution of the purchase money of a holding, shall apply as if the High Court were the Land Commission and  
5 the money paid into that Court were the holding.

A.D. 1896  
PART III.  
Sections,  
rentcharges,  
&c., under  
50 & 51 Vict.  
c. 33, ss. 15,  
16.

(2.) Where any annuity, rentcharge, or rent, ordered under the said sections to be redeemed is subject to any incumbrance as defined by the Land Law (Ireland) Act, 1897, the High Court shall have the same power in relation to that incumbrance under the said section  
10 fifteen as that Court would have if the incumbrance were charged upon the land sold.

(3.) For the purpose of an agreement respecting the redemption price of any annuity, rentcharge, or rent apportioned under the said section sixteen, the High Court may determine the parties by  
15 whom such agreement may be made or by whom the consent may be given for the determination of the price by the High Court.

(4.) The said sections as amended by this section shall apply to any contingent liability for any annuity, rentcharge, or rent, in like manner as they apply to the annuity, rentcharge, or rent itself,  
20 and where any contingent liability has no appreciable value, the money may be distributed without regard to such liability.

25 25.—(1.) A holding vested in a purchaser by a vesting order under this Act shall continue to have appurtenant thereto and to be subject to, as the case may be, any previously existing easements, rights, and appurtenances; and any privilege previously in fact enjoyed, whether by permission of the landlord or otherwise, in such manner and for such time that, if the holding had belonged to a different owner from the rest of the estate, it would have been an easement or right, shall be an easement or  
30 right within the meaning of this section, and shall be appurtenant to or exerciseable over the holding, as the case may be.

As to  
easements,  
&c., when  
vesting  
order  
is made,  
See 54 & 55  
Vict. c. 48,  
s. 31.

(2.) The vesting order may, if the Land Commission think fit, declare that the sale is made subject to or free from any particular easement, right, or appurtenance, and such declaration shall have  
35 full effect.

26.—(1.) Where an agreement for the purchase of a holding is made after the commencement of this Act, and the Land Commission have sanctioned an advance for such purchase, the purchaser shall be discharged from all liability to the vendor in respect  
40 of any liabilities affecting the holding at the date of the agreement, including all rent and arrears existing at such date; but if the

Liability for  
arrears of  
rent, and  
interest on  
purchase  
money  
after agree-  
ment to  
purchase.

A.D. 1896. advance is refused the agreement shall be void, and the tenant shall be liable to pay rent as if from the gale day prior to such refusal.

Part III.  
See 51 & 52  
Vict. c. 49,  
s. 3.

(2.) Interest at the rate agreed on, on the purchase money from the date of the said agreement until the day from which the 5 purchase-annuity begins, shall be payable half-yearly on the first day of May and first day of November by the purchaser, and shall be paid to, and be collected and recoverable by, the Land Commission, in like manner as if it were an instalment of the purchase annuity charged upon the holding, and when received by them shall be 10 paid to the person in receipt of the rent at the date of the agreement or such other person as may prove himself to be entitled thereto, and if the advance is refused shall, unless the agreement otherwise provides, be allowed by the landlord to the tenant as a payment on account of rent. 15

51 & 52 Vict.  
c. 57.

Advances  
for purchase  
of holding  
subject to a  
rentcharge.

27. Where a sale of a holding is made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the vendor a rentcharge, the Land Commission may, if satisfied with the security, make an advance under the Land Purchase Acts as amended by this Act to the tenant for the pur- 20 poses of such purchase of any sum not exceeding the amount of the fine payable to the landlord, subject as follows :—

- (a.) The advance shall not exceed the saleable value of the landlord's interest in the holding after deducting such sum as appears to the Land Commission to be the capital value of the 25 rentcharge.
- (b.) The advance shall not be made where the rentcharge exceeds half the rent which, in the opinion of the Land Commission, would be a fair rent for the holding.
- (c.) An ejectment for nonpayment of rent shall not be brought 30 in respect of the rentcharge.
- (d.) The rentcharge shall be reserved in the vesting order, but the purchase annuity shall have priority over such rentcharge.
- (e.) The Land Commission may, if satisfied with the security, make a further advance for the redemption of the rentcharge in like 35 manner as for the purchase of the holding.
- (f.) Where a holding is sold under this section the powers conferred by the Land Purchase Acts and this Act for the apportionment of charges shall extend to an apportionment of charges between the purchase money and the rentcharge, 40 and the provisions of section fifteen of the Land Law (Ireland) Act, 1887, with respect to the acceptance by an incumbrancer

50 & 51 Vict.  
c. 33.

of the purchase money in part discharge of his incumbrance shall apply as if the rentcharge were other lands within the meaning of those provisions.

A.D. 1895.  
—  
PART III.

- 28.—(1.) Where the Land Commission, in pursuance of section  
5 fifteen of the Land Law (Ireland) Act, 1887, order the redemption  
of tithe rentcharge at a price not less than twenty times the net  
amount of such tithe rentcharge, after making such deduction in  
respect of rates as is provided by section seven of the Irish Church  
Act, 1869, Amendment Act, 1872, the consent of the Treasury shall  
10 not be required to such redemption.

Terms of  
redemption  
of tithe rent-  
charge in  
case of sale.  
50 & 51 Vict.  
c. 33.  
53 & 54 Vict.  
c. 70.

- (2.) The foregoing enactment shall not apply to any annual sum  
payable to the Land Commission under section thirty-two of the  
Irish Church Act, 1869, as amended by any other Act, but the  
Land Commission may order the redemption of such tithe rent-  
15 charge at a sum calculated on the basis of the annual sum being for  
a term of forty-five instead of fifty-two years.

52 & 53 Vict.  
c. 42.

- 29.—(1.) The Land Commission upon the sale of a holding under  
section thirty of the Land Law (Ireland) Act, 1881, or under any  
power of sale, may sell the holding in lots.  
20 (2.) Section fifteen of the Purchase of Land (Ireland) Act, 1885,  
as amended by this Act, shall extend to a sale of a holding by the  
Land Commission, as successors to the Commissioners of Church  
Temporalities in Ireland.

Sale of hold-  
ing by Land  
Commission.  
44 & 45 Vict.  
c. 48, s. 30.  
48 & 49 Vict.  
c. 73.

- (3.) Where a holding is subject to the future payment of an  
25 annuity, and the Land Commission sell it in lots, or a portion of  
any such holding is required for any of the purposes mentioned in  
section five of the Land Law (Ireland) Act, 1881, for which a hold-  
ing may be resumed, the Land Commission may apportion the  
annuity in such manner as they deem expedient, or may, if they  
30 think fit, make an order discharging any such portion of the holding  
as aforesaid from any further liability for such annuity, or any part  
thereof, or any arrears thereof.

- (4.) Where the Land Commission sell a holding, the purchase  
money shall be paid and distributed as if it were the purchase money  
35 of a holding sold by a landlord to a tenant.

30. The power conferred on the Lord Lieutenant by subsection  
two of section five of the Purchase of Land (Ireland) Act, 1891,  
to make regulations for the application of the moneys therein men-  
tioned towards the cost of providing labourers cottages is hereby  
40 extended to include a power to make regulations for the appli-  
cation of those moneys towards defraying any costs incurred

Amendment  
of 54 & 55  
Vict. c. 35,  
s. 5 (2) (b)  
as to money  
for labourers  
cottages.

A.D. 1896.

PART III.

Sales under  
the Landed  
Estates  
Court Act.  
21 & 22 Vict.  
c. 72.

at any time after the passing of the said Act of 1891 in providing such cottages.

31.—(1.) Where an absolute order for the sale of an estate, comprising holdings to which this section applies, has been made under the Landed Estates Court (Ireland) Act, 1858, and either a receiver has been appointed over the estate or the estate is so circumstanced that it would independently of this Act be sold without the consent of the owner as to price, the following provisions shall have effect:—

- (a.) The Land Commission shall, at the request of the Land Judge, cause the estate to be inspected, and a report to be made by two Commissioners respecting the estate, and the circumstances thereof, and the price at, and the conditions under which, the sale of the holdings to the tenants under the Land Purchase Acts can properly be made.
- (b.) The Land Judge, after giving all parties, including the tenants, an opportunity of being heard, and considering the report and any offers that may be made for the purchase of the estate or any part thereof, and any other matters that may be brought before him, and the general circumstances of the estate, shall make to the person appearing to be in occupation as tenant of each holding on the estate, an offer to sell to him the fee-simple of the holding, and the arrears of rent then due from him in respect thereof, at such price, and subject to such conditions, whether as to the payment of part of the price in cash, or as to the offer to one tenant being conditional on the acceptance by other tenants of the offers made to them within a limited time, or otherwise, as the Land Judge may consider reasonable and just, having regard to the interest of all persons interested in the estate.
- (c.) The offer shall be communicated in such manner as the Land Commission think fit to the person appearing to be in occupation as tenant, and if it is accepted then on fulfilment of the conditions the said person shall be deemed to have agreed to purchase the holding within the meaning of the Land Purchase Acts, and the sale shall be completed accordingly.
- (d.) If it appears to the Land Judge that the tenants of holdings on the estate to the extent of not less than three-fourths in number and value according to the rateable value under the Irish Valuation Acts, have accepted the offers under this section, he may, if having regard to the circumstances of

the case he thinks it expedient, order that the remaining tenants or any of them shall be deemed to have accepted the offers made to them, and this section and the Land Purchase Acts shall apply accordingly; provided that such order shall not apply to any tenant if the purchase-money of his holding would exceed the limitation on the amount of the advance imposed by section two of the Purchase of Land (Ireland) Amendment Act, 1888, and the holding of such tenant shall not be taken into consideration in estimating the three-fourths above mentioned.

A.D. 1896.  
PART III.

(e.) Where a receiver has been appointed over part of an estate this section shall apply to that part in like manner as if it were an estate.

51 & 52 Vict.  
c. 49.

(f.) The foregoing provisions of this section shall apply only to holdings which are agricultural or pastoral, or partly agricultural and partly pastoral.

(2.) Any person in occupation of and paying rent for a parcel of land (including the owner of an estate in occupation of a mansion house or demesne forming part of the estate) held under a letting by the Land Judge or Receiver Judge may agree to purchase such parcel of land, and the same shall be deemed a holding and such person a tenant, and the Land Judge or Receiver Judge, as the case may be, a landlord within the meaning of the Land Purchase Acts.

(3.) At any time after an absolute order for the sale of an estate or part of an estate has been made in pursuance of the Landed Estates Court (Ireland) Act, 1858, the foregoing provisions of this section so far as they are applicable may upon the application of the owner be applied to such estate, although a receiver has not been appointed over the estate, and the estate is not so circumstanced that it would, independently of this Act, be sold without the consent of the owner as to price; provided that no advance shall be made to the owner to purchase any mansion house or demesne forming part of the estate.

21 & 22 Vict.  
c. 72.

(4.) Rules under Part Two of this Act may be made for carrying into effect this section.

32. Any person aggrieved by the order of a Land Commissioner acting alone in carrying the Land Purchase Acts as amended by this Act into effect, may, if such Commissioner was not a Judicial Commissioner and the question is one of law, require the case to be reheard by a Judicial Commissioner, and in any other case may require the question to be reconsidered by a Judicial Commissioner

Appeals  
under Land  
Purchase  
Act.

A.D. 1896. and two other Commissioners; provided that if the Judicial  
 PART III. Commissioner thinks it desirable the case shall be re-heard by  
 those three Commissioners.

Powers of mortgagee. 33. A mortgagee with power of sale shall for all the purposes  
 of the Land Purchase Acts be deemed to be a landlord. 5

## PART IV.

## PART IV.

## CONGESTED DISTRICTS BOARD.

Purchase and sale by Congested Districts Board under the Land Purchase Acts. 34.—(1.) Where the Congested Districts Board have agreed to purchase land, whether in a congested districts county or elsewhere, the Land Commission, on a request from the Board stating the congested districts county for the benefit of which the land is purchased, and the amount of the purchase money, shall subject as in this section mentioned advance the purchase money to the Board in like manner as if the Board were a tenant purchasing his holding under the Land Purchase Acts as amended by this Act. 10 15

(2.) The advance shall not be made, if it exceeds, or together with any previous advance on account of the county for the benefit of which the land is purchased not repaid or written off will exceed, twenty-five times the share of the county in the interest on the church surplus grant (referred to in section thirty-five of the Purchase of Land (Ireland) Act, 1891), after deducting from that share any prior charges, whether under this section or otherwise, including such proportion of contingent charges under Part Two of the Purchase of Land (Ireland) Act, 1891, as the Treasury may fix. 20 25

54 & 55 Vict.  
 c. 48.

(3.) The advance shall be repaid by the Board by an annuity of the same amount, and involving the same interest and sum for repayment of capital as if it were an annuity payable by a tenant purchasing his holding, and the amount of such annuity shall be deducted by the Land Commission from the interest on the church surplus grant. 30

(4.) Where the Land Commission make an advance to a tenant for the purchase of his holding from the Congested Districts Board, the amount of the advance shall be written off the debt due from the Board for advances made to them on account of the congested districts county for the benefit of which the Board purchased the land, in such manner as may be arranged between the Land 35

Commission and the Board and shall be treated as the redemption of a proportionate part of the annuities payable by the Board to the Land Commission.

A.D. 1896.

PART IV.

(5.) Where land is purchased by the Congested Districts Board for the benefit of more than one congested districts county, the Board shall state in their request to the Land Commission the proportion of the purchase money which is to be treated as being advanced for the benefit of each county.

(6.) The Land Commission shall not make any advance in respect of any purchase by a tenant from the Board of a small holding, as defined in the Purchase of Land (Ireland) Act, 1891.

54 & 55 Vict.  
c. 66.

(7.) The Congested Districts Board shall not buy any land held under a lease for a term of years of which less than sixty are unexpired at the time of the sale, unless they hold or buy the reversion expectant upon the determination of such lease.

35.—(1.) The Congested Districts Board may sell land to a tenant of a small holding for the price agreed upon, and credit the purchaser with the whole or any part of the purchase money, and such purchase money shall be secured to the satisfaction of the Board, and be payable by such annuity, payable half-yearly, and calculated at such rate of interest as may be agreed on.

Sales by  
Congested  
Districts  
Board of  
small hold-  
ings other-  
wise than  
under Lan  
Purchase  
Acts.

(2.) For carrying such sale into effect the Trustees of the Congested Districts Board may convey the land to the purchaser charged with the said annuity; but the conveyance shall not operate to convert the interest of the purchaser in the holding into real estate.

(3.) The particulars of any such conveyance may be communicated to the Land Commission, and thereafter they shall issue half-yearly applications for payment of the half-yearly instalments of the annuity charged on the holding, and shall credit or pay to the Congested Districts Board all sums received by the Commission in respect thereof, and shall furnish to the Board particulars of all instalments for which they issue applications under this section, showing which have and which have not been paid.

(4.) The Trustees of the Congested Districts Board shall have for the recovery of any such instalments unpaid the same remedies as the Land Commission have for the recovery of unpaid instalments of an annuity under the Land Purchase Acts.

(5.) Holdings purchased under this section, while subject to any annuity for the payment of purchase money, shall not be subject to the provisions of the Local Registration of Title (Ireland) Act, 1891, but shall be subject to all the provisions of the Land Purchase

54 & 55 Vict.  
c. 43.



A.D. 1896.  
PART IV.

Acts respecting a holding subject to an annuity under those Acts; and the power under those provisions to require a holding to be sold when subdivided by reason of the death of the proprietor may be exercised within twelve months after the subdivision becomes known to the Congested Districts Board, notwithstanding that it is more than twelve months after the death.

(6.) Whenever, upon the amalgamation of small holdings, part of the amalgamated holding is subject to an annuity under this section, and the amalgamated holding is not a small holding, the Congested Districts Board may agree with the occupier of such amalgamated holding for the purchase by him of that holding under the Land Purchase Acts, and the Land Commission may sanction the agreement and make an advance as if such occupier was in occupation of the whole of such holding under a contract of tenancy.

(7.) On such last-mentioned advance being made by the Land Commission, the balance of the principal of the purchase money payable by the annuity under this section shall be treated as repaid to the Board out of the advance, and the purchaser and the holding shall be discharged from all liability in respect of the said annuity.

Rules for  
Part of Act.

36. Rules for carrying into effect this Part of this Act may be made by the Lord Lieutenant after communication with the Land Commission and the Congested Districts Board.

#### PART V.

#### PART V.

##### EVICTED TENANTS.

Re-enactment with  
modifications  
of 54 & 55  
VICT. c. 48.  
s. 12.

37. Section thirteen of the Purchase of Land (Ireland) Act, 1891, is hereby re-enacted, and shall have effect with the modifications following:—

(a.) Twelve months of the commencement of this Act shall be substituted for six months of the passing of this Act;

Application  
to Land  
Commission  
for re-  
instatement

38.—(1.) Where the tenancy of a holding has been determined at any time after the first day of May, one thousand eight hundred and seventy-nine, the landlord or the former tenant of the holding, or both jointly may, within twelve months of the commencement

of this Act, apply in the prescribed manner to the Land Commission to act as mediators with a view to the reinstatement of the tenant in the holding or with a view to the purchase of the holding by the tenant.

A.D. 1896.  
PART V.  
of tenant or  
for purchase  
of holding.

5 (2.) Upon any such joint application with a view to reinstatement, the Land Commission may declare the terms and conditions as to rent, and the payment of arrears or otherwise upon which they consider that it would be reasonable that the former tenant should be reinstated in the holding, and upon the parties consenting  
10 within the prescribed time and in the prescribed manner, may make an order reinstating the tenant in his holding upon the said terms and conditions.

(3.) Upon any such joint application with a view to the sale of the holding, the Land Commission may declare the amount of the  
15 advance which they are prepared to sanction, and the conditions (if any) to be fulfilled previously to the making of such advance, and upon the parties consenting within the prescribed time and in the prescribed manner, may order an advance, subject to the said conditions in like manner as if an agreement had been made under  
20 section thirteen of the Purchase of Land (Ireland) Act, 1891, as re-enacted by this Act.

54 & 55 Vict.  
c. 48.

(4.) Upon such application, whether for reinstatement or for a sale being made by either the landlord or the former tenant of the holding, the Land Commission may, if they think fit after making  
25 such inquiry as they think advisable, serve in the prescribed manner upon the party not having made the application a notice calling upon him to state whether he consents to the application being treated as a joint application and if the party so served does not within the prescribed time after such service object, a joint  
30 application within the meaning of the section shall be deemed to have been made for reinstatement or for a sale, as the case may be, and the Land Commission may thereupon proceed under this section accordingly.

(5.) Every order under this section shall be binding upon all  
35 persons, and be final and conclusive.

(6.) An order under this section shall not be made in the case of a holding which, on the first day of January one thousand eight hundred and ninety-six, was in the occupation of a tenant.

(7.) For the purposes of this section, the expression "former  
40 tenant" shall include the personal representative of the former tenant.

A.D. 1896.

PART V.  
Provision  
for agree-  
ments by  
landlords  
and tenants  
in certain  
cases.

39.—(1.) The landlord and tenant of any holding may at any time (whether a statutory term is current in respect of the holding or not) agree in the prescribed manner in regard to all or any of the matters following :—

- (a) the consolidation of the holding with any other holding or 5  
portion of a holding or the making of any addition to the holding ;
- (b) the assignment or surrender of portion of the holding ;
- (c) the creation of a present tenancy in any holding ;
- (d) the abridgement of any statutory term in the holding ; and 10
- (e) the fair rent of the holding and the date at which the statutory term is to commence and the duration thereof.

(2.) Where any such agreement is made the tenancy in the holding shall (in the absence of a provision to the contrary) as and from the date of the agreement be a present tenancy. 15

(3.) Any such agreement on being filed in the prescribed manner with the Land Commission shall have the same effect and consequences in all respects as if the matters agreed to therein had been determined by the Land Commission.

Tenancy to  
be present  
tenancy  
where  
landlord has  
so consented.

40. Where, prior to the commencement of this Act, the land- 20  
lord of a holding has consented that the tenancy in the holding should be a present tenancy, or that the tenant should have the same rights as a present tenant, the tenancy shall be deemed to be a present tenancy accordingly.

## PART VI.

## PART VI.

25

## SUPPLEMENTAL.

Definient.

41.—(1.) In this Act, unless the context otherwise requires—

The expression "dwelling-house" includes any out-house, curtilage, and garden appurtenant thereto :

The expressions "landlord" and "tenant" include respectively 30  
the predecessors in title of a landlord or tenant :

The expression "limited owner" means a limited owner within the meaning of section twenty-six of the Landlord and Tenant (Ireland) Act, 1870, and includes any person having the powers of a tenant for life under the Settled Land Acts, 1882 to 1890 : 35

The expression "lease" includes an agreement for a lease :

53 & 54 Vict.  
c. 46,  
45 & 46 Vict.  
c. 38,  
53 & 54 Vict.  
c. 69.

The expression "Land Law Acts" means the Land Law (Ireland) Act, 1881, except Part V. thereof, the Land Law (Ireland) Act, 1887, except Part II., and the Redemption of Rent (Ireland) Act, 1891, and does not include the Landlord and Tenant (Ireland) Act, 1870, except so far as the provisions of it are necessary for giving effect to the above-mentioned portion of the Land Law (Ireland) Act, 1881:

The expression "Land Purchase Acts" means the Purchase of Land (Ireland) Act, 1891, the Land Purchase Acts as therein defined, and the Redemption of Rent (Ireland) Act, 1891.

The expression "judicial rent" means a fair rent, whether fixed by the Court or by agreement or arbitration or by demand of the landlord accepted by the tenant, and any reference to an application to fix a fair rent shall include a reference to an agreement to fix a fair rent or to refer to arbitration the fixing of a fair rent, or to the demand of an increased rent by the landlord.

The expression "prescribed" means prescribed by rules made by the Land Commission, save that where the expression refers to financial matters, it shall mean prescribed by rules made by the Treasury, and where the expression relates to matters connected with the Land Judge, it shall mean prescribed by rules made under Part Two of this Act:

The expression "Receiver Judge" means the judge assigned under section nineteen of the Purchase of Land (Ireland) Act, 1885, for the execution of the duties in that section mentioned.

(2.) In the definition of "holding" contained in the Land Law (Ireland) Act, 1881, "parcel of land" shall be deemed to include an undivided share of land, whether held alone, or held under the same contract of tenancy with land held in severalty.

(3.) Any jurisdiction vested by this Act in the High Court in relation to the purchase money under the Land Purchase Acts, or otherwise in relation to those Acts, shall, subject to rules of court, be exercised by the Land Judge.

42. Nothing herein contained shall prejudice or affect any right, benefit, or presumption exercised or enjoyed under or by virtue of the Ulster tenant right custom or any usage corresponding thereto.

43.—(1.) Part One of this Act shall, save as is by this Act expressly provided, apply to every proceeding pending at the commencement of this Act.

[323.]

D

A.D. 1898.

PART VI.

44 &amp; 45 Vict.

c. 49.

50 &amp; 51 Vict.

c. 33.

54 &amp; 55 Vict.

c. 67.

55 &amp; 56 Vict.

c. 40.

54 &amp; 55 Vict.

cc. 48, 57.

48 &amp; 49 Vict.

c. 73.

44 &amp; 45 Vict.

c. 49.

Saving of  
Ulster  
tenant right  
custom.Application  
and construction  
of Parts  
of Act.

A.D. 1896,

PART VI.

(2.) An application to fix a fair rent for a holding shall not be refused on the ground of any previous decision with reference to the holding or any part thereof, whether between the same parties or otherwise, if such application can be sustained under this Act or any of the Land Law Acts as amended by this Act. 5

44 & 45 Vict.  
c. 49.

(3.) Parts One and Two of this Act shall be construed as one with the Land Law Acts, and together with those Acts may be cited as the Land Law Acts, and shall apply to all holdings to which the Land Law Acts, or any of them, as amended by this Act, apply, and section twenty-two of the Land Law (Ireland) Act, 1881, shall apply as if the said Acts and Parts of this Act were part of the foregoing provisions of the said Act of 1881, within the meaning of the said section. 10

57 & 58 Vict.  
c. 50.

(4.) Parts Two, Three, and Five of this Act shall be construed as one with the Land Purchase Acts as herein defined, and, together with those Acts may be cited as the Land Purchase Acts. 15

(5.) Part Four of this Act shall be construed as one with the Congested Districts Board (Ireland) Acts, as defined in the Congested Districts Board (Ireland) Act, 1894, and together with those Acts may be cited collectively as the Congested Districts Board (Ireland) Acts. 20

Short title

44. This Act may be cited as the Land Law (Ireland) Act, 1896.

Repeal of  
Acts.

45. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule. 25

## SCHEDULE.

A.D. 1896.

## ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 33 & 34 Vict. c. 46.	Landlord and Tenant (Ireland) Act, 1870.	Sections thirty-five, thirty-seven, and thirty-nine.
44 & 45 Vict. c. 49.	Land Law (Ireland) Act, 1881.	In section eight, sub-section two, from "as from the period" down to "decision of the court," and sub-section three, from "from the rent day" down to "has been given."
10		Section twenty-four, from "as follows" to "fair rent of the holding," being the end of sub-section one.
15		In section twenty-six from "the Land Commission may advance" down to "payable by the tenant," being sub-section four.
20		Section twenty-eight from the beginning down to "purchaser therein mentioned," being sub-sections one and two.
25		In section thirty, sub-section three, from "on the terms" down to "1870."
30		Section thirty-three. Section thirty-seven.
35		In section thirty-eight, sub-section one, down to "civil bill court, and"; sub-section six and sub-section seven.
		In section forty-four, the words "except the power of hearing appeals"; and from "with this qualification" to the end of the section.
		Section forty-seven.
		In section fifty, sub-section one, paragraph (c), paragraph (f), paragraph (h).
		In section fifty-eight, sub-sections two, three, and four.

[323.]

E

Session and Chapter.	Short Title.	Extent of Repeal.	
48 & 49 Vict. c. 73.	Purchase of Land (Ireland) Act, 1885.	In section two, from "it shall not be lawful" to the end of the section, being paragraph (c). In section four, the words "such value to be "calculated according to the table in the "Schedule to this Act." Section eight. Section nine. In section ten, from "sections sixty- four" down to "Landed Estates Court Act." In section fourteen, from "the Land Com- mission shall register" down to "local registration." In section seventeen, from "the additional members" down to "any less number of the Land Commission." Section twenty-four.	5 10 15 20
50 & 51 Vict. c. 33.	Land Law (Ireland) Act, 1887.	Section one down to "passing of this Act." In section four, from "a tenant may also" to the end of the section. Section five. Section six. Section nine. Section fourteen, from "The Land Commission may if they think fit" down to "Land (Ireland) Act, 1885," being sub-sections one and two; and from "where a holding" to the end of the section, being part of sub-section three. In section sixteen, sub-section two, from "the last-mentioned power of apportionment" down to "of a conveyance," being the end of that sub-section. Section seventeen. In section eighteen, from "section thirty- four" to the end of the section, being sub- section two. Section twenty-three down to "therein and." Section thirty-two.	25 30 35 40
51 & 52 Vict. c. 49.	Purchase of Land (Ireland) Amend- ment Act, 1888.	Section one, down to "said sub-section and." Section three. Section six.	45

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 45.	The Purchase of Land (Ireland) Act, 1891.	<p>Section three.</p> <p>In section four, sub-section two, from "in paying to the guarantee fund" to the end of the sub-section, being paragraph (d).</p> <p>Section seven.</p> <p>Section eight, as respects any advances made after the commencement of this Act.</p> <p>In section nine, sub-section three.</p> <p>In section twenty-nine, sub-section one, from "provided that" to "Act, 1881" where those words next first occur; sub-section two.</p> <p>In section forty-two, from "the expression annual value" to "so determined."</p> <p>Also the following portions as respects purchases in pursuance of an agreement made after the commencement of this Act, namely :—</p> <p>In section one, sub-section one.</p> <p>Section two.</p> <p>In section four the words "as follows" in sub-section one and sub-section two, so far as not repealed by the foregoing provisions of this schedule.</p> <p>In section fifteen, sub-section one, sub-section three, sub-section four, sub-section five, sub-section six; sub-section eleven, from the beginning down to "stock so issued, and."</p> <p>Section seventeen, from "by transferring" to the end of the section.</p> <p>In section twenty-seven, sub-section one, from "the sinking fund" down to "stock cancelled," being paragraph (a), and sub-section two from "and so far as they relate to," to the end of the section.</p> <p>In section forty-two, the words "by the issue of stock."</p>



# Land Law (Ireland).

---

A

## B I L L

[AS AMENDED IN COMMITTEE]

To further amend the Law relating to  
the Occupation and Ownership of  
Land in Ireland, and for other  
purposes relating thereto.

*(Prepared and brought in by  
Mr. Gerald Balfour,  
Mr. Chancellor of the Exchequer, and  
Mr. Attorney-General for Ireland.)*

---

Ordered by The House of Commons, to be Printed,  
22 July 1909.

---

PRINTED BY STICK AND MORTIMER,  
PRINTERS IN ORDINARY TO HER MAJESTY.

Not to be printed within the limits of the Dublin Corporation, (see  
Order and Regulations in this behalf made by the Corporation, A.D.  
1847, and the Statute in that behalf made, A.D. 1847, c. 10.)  
Printed by Messrs. J. & J. G. Smith, Ltd., 10, Abchurch Lane, London, E.C. 4,  
and by Messrs. J. & J. G. Smith, Ltd., 10, Abchurch Lane, London, E.C. 4,  
Printed by Messrs. J. & J. G. Smith, Ltd., 10, Abchurch Lane, London, E.C. 4,  
Printed by Messrs. J. & J. G. Smith, Ltd., 10, Abchurch Lane, London, E.C. 4,

[Price 1/6d.]

[Bills 226.]